

Message

From: Amy Prime [/O=EXCHANGE-ORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AB722DDA3A9453EAED5751238A59562-AMY PRIME]
Sent: 26/06/2019 16:16:54
To: Ben Foat [GRO]; Andrew Parsons [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad9ed344815e47e4aaa3c0e7e1740919-Andrew Pars]; Rodric Williams [GRO]; Watts, Alan [GRO]; Massey, Kirsten [GRO]; Henderson, Tom [GRO]
CC: Tom Beezer [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=179d9f227294473d81b50e72aacb0623-Tom Beezer]
Subject: RE: Cover letter [WBDUK-AC.FID26896945]
Attachments: RE: Cover letter [WBDUK-AC.FID26896945]

Ben

Please find attached Helen Davies QC's response to the two below queries, along with a revised covering letter.

We will set up a call for during the course of tomorrow between Rodric, you, Counsel, HSF and WBD to discuss the approach to be taken (we will liaise with Di and Tom H to find a suitable time).

Kind regards
Amy

Amy Prime

Associate
Womble Bond Dickinson (UK) LLP

d: [GRO]
m:
t:
e:

[Manage your e-alert preferences](#)



womblebond Dickinson.com



From: Ben Foat [GRO]
Sent: 25 June 2019 17:56
To: Andrew Parsons; Rodric Williams; Watts, Alan; Massey, Kirsten; Henderson, Tom
Cc: Tom Beezer; Amy Prime
Subject: RE: Cover letter [WBDUK-AC.FID26896945]

Thanks Andy

I think a call would be helpful. My initial view is that if we can justify that our appeal meets the test / guidance for requesting 3 justices (because of its public importance; impact to 11,500 contracts) then we can make the request for 3 justices (but not on the basis of Coulsons links to Fraser). I would remove the square brackets.

Can I understand:

1. Who makes the decision as to whether 3 judges will hear the appeal. If its Coulson and we can't appeal or review that decision then we need to take out the square brackets. This is likely to infuriate him.
2. The reasons why we think the information in the brackets is necessary. We are basically suggesting perceived bias and we need 3 judges as a result because we don't trust him. We would need to have more evidence than what is there. Given his recusal judgment findings we are likely to alienate him further.

As It does go against the new strategy, my sense is that Helen Davies would need to explain to the Board sub-committee for the letter including the information contained in the brackets. That said, it is important and welcomed that she has provided her independent view from a different set of chambers.

HSF – thoughts?

Kind regards

Ben



◆ **Ben Foat**

General
Counsel
Ground Floor
20 Finsbury
Street
LONDON
EC2Y 9AQ

**Highly
Commended for
'Excellence In-
house' at the Law
Society
Excellence
Awards 2018**

Mobile :

GRO

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: Finsbury Dials, 20 Finsbury Street, London, EC2Y 9AQ.

From: Andrew Parsons [GRO]
Sent: 25 June 2019 17:06
To: Ben Foat [GRO]; Rodric Williams [GRO]; Watts, Alan [GRO]; Massey, Kirsten [GRO]; Henderson, Tom [GRO]
Cc: Tom Beezer [GRO]; Amy Prime [GRO]
Subject: FW: Cover letter [WBDUK-AC.FID26896945]

All

Please see below and attached from Helen Davies about how the revised appeal could be presented to the CA on Friday. This proposal was unprompted by the lawyers; Helen has reached this view of her own volition.

May we have a quick call to discuss this and if / how to pass this on to AI / the board sub-committee?

Kind regards

Andy

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP



[Manage your e-alert preferences](#)



womblebond Dickinson.com



From: Helen Davies [GRO]
Sent: 25 June 2019 16:04
To: Andrew Parsons [GRO]; Amy Prime [GRO]
Cc: Owain Draper [GRO]; Gideon Cohen [GRO]
Subject: Cover letter

Dear Andy,

In light of the terms of Coulson LJ's Order of last week I have been revisiting in my mind the question of whether there is anything we can or should be doing to seek to ensure that the permission application is not finally determined by Coulson LJ sitting alone. Whilst I am very aware that I previously expressed the view that we should proceed on the basis that he will be objective in relation to the permission application notwithstanding the background, I have to confess that I was surprised by both the content and also the tone of the Order and in light thereof I think we should revisit this issue.

As we previously discussed there is in fact limited opportunity in the rules to achieve that outcome but there is provision in CPR 52.(2) and (3) which can enable a direction for an oral hearing in an appropriate case and moreover which can be directed to be heard by a panel comprising judges other than the just the original single LJ. I have revisited in my mind the question therefore of whether we want to refer to this provision. I attach a draft letter which would accompany the revised Skeleton which seeks to do so in a way which doesn't undermine the strength of the application.

There is an obvious risk to this course in that Coulson LJ could be further driven by it to seek to find ways to refuse the application – but equally on the premise that risk already exists this seems to me at least potentially to be a way of seeking best to protect Post Office's interests. You will see how I have sought to refer to the potential link between Coulson LJ and Fraser J in what seems to me to be the most neutral terms and hence least potentially inflammatory. If this is going to be copied to the Master of the Rolls as I think it should be I think we probably need to include something along this line to get him thinking that he should take an interest.

I therefore attach a draft for consideration and no doubt discussion.

Best wishes

Helen

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. [ben.foat@wbd.com](#) is only authorised to access this e-mail and any attachments. If you are not [ben.foat@wbd.com](#) please notify [andrew.parsons@wbd.com](#) as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond Dickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority.

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: Finsbury Dials, 20 Finsbury Street, London EC2Y 9AQ.

“Post Office Limited is committed to protecting your privacy. Information about how we do this can be found on our website at www.postoffice.co.uk/privacy”